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OFFICE OF PETITIONS

In re Application of :
Robert J. D'Amato, et al. :
Application No. 09/780,650 : ON PETITION
Filed: February 12, 2001 :
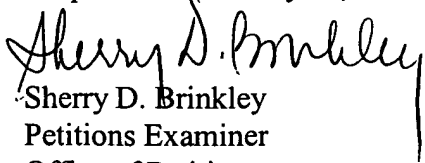Attorney Docket No. 43170-253692 :
(5213-493) :

This is a decision on the petition under 37 CFR 1.313(c)(2) filed October 1, 2004, requesting that the above-identified application be withdrawn from issue after payment of the issue fee.

In reviewing the application, it is noted that the application is abandoned. The issue fee, as required by the Notice of Allowance and Issue Fee Due mailed October 17, 2003, was not timely paid. In fact, the issue fee was not submitted until May 24, 2004, accompanied by a petition to withdraw the holding of abandonment. The petition was referred to the Technology Center for a decision thereon.

At present the petition under 37 CFR 1.313(c)(2) is dismissed. Consequently, the accompanying RCE and IDS will not be further processed. This decision is made without prejudice to reconsideration, pending a favorable decision of the petition filed May 24, 2004.

If the application is returned to a pending status and reconsideration of the present petition is desired, petitioner must submit a renewed petition under 37 CFR 1.313(c)(2) (no new RCE, IDS or further petition fee required). Any renewed petition to withdraw from issue should be faxed or hand-carried to the Office of Petition. Our fax number is (571) 273-0025. Petitioners must call (571) 272-6053 to coordinate hand-carried petitions under 37 CFR 1.313.

Any questions concerning this decision may be directed to the undersigned at (571) 272-3204. Status of the petition filed May 24, 2004 should be directed to Technology Center AU 1616.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
  for Patent Examination Policy